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Ifw

GUNNISON, MCKAY & HODGSON, L.L.P.
GARDEN WEST OFFICE PLAZA, SUITE 220
1900 GARDEN ROAD
MONTEREY, CALIFORNIA 93940
(831) 655-0880
FACSIMILE (831) 655-0888

September 26, 2006

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

RE: Applicant(s): John B. Beavers
Assignee: Symantec Corporation
Title: SYSTEM AND METHOD FOR MANAGING ALERT
INDICATIONS IN AN ENTERPRISE
Serial No.: 10/082,235 Filed: February 26, 2002
Examiner: Venkatanaray Group Art
Perungavoor Unit: 2132
Docket No.: SYMC1024

Dear Sir:

Transmitted herewith are the following documents in reply to the Examiner's Answer dated August 11, 2006 in the above application:

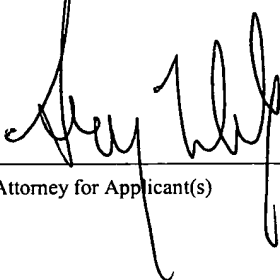
1. Return receipt postcard;
2. This Transmittal Letter (2 pages); and
3. Appellant's Reply Brief (6 pages).

Transmittal Letter
Serial No. 10/082,235
September 26, 2006

- ☒ No additional fees are required.
- ☒ Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed documents after all papers filed with this transmittal have been considered, Applicant(s) hereby petition for such an extension of time.
- ☒ The Commissioner is hereby authorized to charge any additional fees required for consideration of the enclosed documents, and to credit any overpayment of fees to Deposit Account No. 50-0553.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 26, 2006.

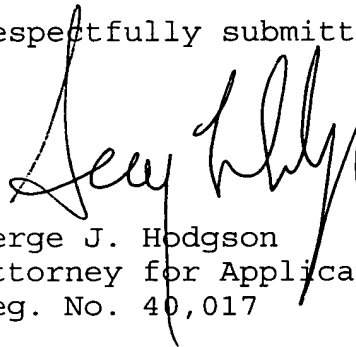


Attorney for Applicant(s)

September 26, 2006

Date of Signature

Respectfully submitted,



Serge J. Hodgson
Attorney for Applicant(s)
Reg. No. 40,017



Appl. No. 10/082,235
Brief dated September 26, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): John B. Beavers

Assignee: Symantec Corporation

Title: SYSTEM AND METHOD FOR MANAGING ALERT INDICATIONS
IN AN ENTERPRISE

Serial No.: 10/082,235 Filed: February 26, 2002

Examiner: Venkatanaray Perungavoor Group Art 2132
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Monterey, CA
September 26, 2006

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P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF

Dear Sir:

Pursuant to 37 CFR § 41.41(a)(1), Appellant files this
Appellant's Reply Brief in Reply to the Examiner's Answer dated
August 11, 2006.

Status of Claims

Claims 1, 2, 4-10, 12-26 are pending in the application and stand rejected. The rejection of Claims 1, 2, 4-10, 12-26 is hereby appealed.

Claims 3, 11 have been canceled without prejudice.

Grounds of rejection to be reviewed on appeal

1. Whether Claims 1-2, 4-10, 12-26 are unpatentable under 35 U.S.C. 102(a) as being anticipated by Curtis et al. (6,208,720)?

Argument

1. Claims 1-2, 4-10, 12-26 are novel over Curtis et al.
(6,208,720)

Claims 1-2, 4-10, 12-26 are allowable over Curtis et al. for at least the reasons set forth in the Appellant's Brief filed on June 2, 2006.

With further emphasis on Claims 23-26, Appellant respectfully submits that the Examiner's Answer fails to set forth a valid anticipation rejection.

Specifically, MPEP 1207.02 sets forth:

The examiner's answer **is required to include**, under appropriate headings ... the following items:

... (9) <Grounds of Rejection. For each ground of rejection ****>**maintained by the examiner and each new ground of rejection (if any), an explanation of the ground of rejection.<

... (c) For each rejection under 35 U.S.C. 102, the examiner's answer ****>must<** explain why the rejected claims are anticipated or not patentable under 35 U.S.C. 102, **pointing out where all of the specific limitations recited in the rejected claims are found in the prior art relied upon in the rejection.** (MPEP § 1207.02, eighth edition, Rev. 3, August 2005, at pages 1200-28 to 1200-29, emphasis added.)

Appellant notes that Claim 23 recites:

A method of declaring an incident in an enterprise comprising:

providing a number of alert indications containing information concerning an incident related to the enterprise; and either

comparing one or more of the alert indications to a set of rules, and if a match occurs between the set of rules, and the alert indication, declaring an incident based on the match, or

comparing one or more of the alert indications to a decision table containing a number of defined alert events, remembering each alert indication that matches one of the defined alert events, comparing the remembered alert indication to correlation data in the decision table, and if a match occurs between the

remembered alert indication and the correlation data, declaring an incident based on the match; or

if no match occurs between the alert indication and the correlation data or the rules set, declare an incident if the alert indication meets a defined default threshold value;

displaying to a user an incident ticket for each incident declared, **the incident ticket including one or more user-editable incident tracking rules which identify one or more further alert indications for association with the incident ticket;**

wherein the user uses a menu on the incident ticket to display a tracking update feature for editing the user-editable incident tracking rules; and

wherein the user edits the user-editable incident tracking rules to change the one or more further alert indications for association with the incident ticket.
(Emphasis added.)

Appellant notes that the only discussion of the rejection of Claim 23 in the grounds of rejection in the Examiner's Answer is the heading at page 3, which recites:

Claims 1-2, 4-10, 12-26 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6208720 B1 to Curtis et al. (hereinafter Curtis).

Accordingly, the Examiner has failed to point out where all of the specific limitations recited in Claim 23 are found in Curtis et al. and thus the rejection should be overturned.

In the Response to Argument at pages 6-7 of the Examiner's answer, the Examiner states:

And Curtis discloses an threshold detector which operates based on threshold rules which are modifiable, i.e., editable, during run-time by the human analyst via workstation see Col 3 Ln 19-22 & Col 15 Ln 29-36.

Applicant notes that at Col. 3, lines 19-22, Curtis et al. teaches:

In an exemplary embodiment, rules within the database of threshold rules may be added or modified dynamically, during run-time, by human analysts and by a pattern recognition engine which detects new methods of fraud.

Although Curtis et al. teaches "rules ... may be added or modified", the Examiner has failed to callout where Curtis et al. teaches or suggests that **"the incident ticket including one or more user-editable incident tracking rules which identify one or more further alert indications for association with the incident ticket; wherein the user uses a menu on the incident ticket to display a tracking update feature for editing the user-editable incident tracking rules"** as recited in Claim 23, emphasis added.

Col. 15, lines 29-36 of Curtis et al., as cited by the Examiner, was distinguished in the Appellant's Brief.

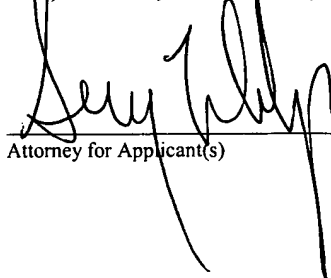
For at least the above reasons, Claim 23 is allowable over Curtis et al. Claims 24-26, which depend from Claim 23, are allowable for at least the same reasons as Claim 23.

Conclusion

For at least the above reasons, Claims 1-2, 4-10, 12-26 are allowable over Curtis et al. If there are any questions relating to the above, please telephone the undersigned Attorney for Applicant.

CERTIFICATE OF MAILING

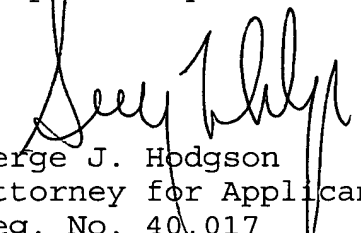
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Attorney for Applicant(s)

September 26, 2006
Date of Signature

Respectfully submitted,



Serge J. Hodgson
Attorney for Applicant(s)
Reg. No. 40,017
Tel.: (831) 655-0880